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APPLICATION NO.	FILING DATE ·	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,425	10/31/2003	Dianne Ellis	PGI6044P1151US	3280
	7590 04/16/200 LIPS, KATZ, CLARK	EXAMINER		
500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			SINGH, ARTI R	
			ART UNIT	PAPER NUMBER
			1771	
	•			
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

· · · · · · · · · · · · · · · · · · ·	Application No.	Applicant(s)			
Office Action Summary	10/699,425	ELLIS ET AL.			
Office Action Summary	Examiner	Art Unit			
The MANUALO DATE of the	Ms. Arti Singh	1771			
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet w	ith the correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPI WHICHEVER IS LONGER, FROM THE MAILING [- Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statu Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNI .136(a). In no event, however, may a d will apply and will expire SIX (6) MON te, cause the application to become Al	CATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on	•				
2a)⊠ This action is FINAL . 2b)☐ Thi	This action is FINAL . 2b) This action is non-final.				
3) Since this application is in condition for allowa	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D.	D. 11, 453 O.G. 213.			
Disposition of Claims					
4)⊠ Claim(s) <u>1-6 and 8-14</u> is/are pending in the a	pplication.				
•	4a) Of the above claim(s) <u>10-14</u> is/are withdrawn from consideration.				
5) Claim(s) is/are allowed.		·			
6)⊠ Claim(s) <u>1-6,8 and 9</u> is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s)are subject to restriction and/	or election requirement.				
Application Papers					
9) The specification is objected to by the Examin	er.				
10) The drawing(s) filed on is/are: a) ac		by the Examiner.			
Applicant may not request that any objection to the	e drawing(s) be held in abeya	nce. See 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correct	ction is required if the drawing	(s) is objected to. See 37 CFR 1.121(d).			
11) The oath or declaration is objected to by the E	examiner. Note the attached	d Office Action or form PTO-152.			
Priority under 35 U.S.C. § 119	•				
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents.	nts have been received.				
2. Certified copies of the priority document3. Copies of the certified copies of the priority					
application from the International Burea		received in this National Stage			
* See the attached detailed Office action for a lis	, , , , , , , , , , , , , , , , , , , ,	received.			
Attachment(s)					
1) Notice of References Cited (PTO-892)		Summary (PTO-413)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 10/18/95		s)/Mail Date nformal Patent Application			

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DETAILED ACTION

Response to Amendment

1. The Examiner has carefully considered Applicant's amendments and accompanying remarks dated 10/18/05. Applicant's amendments to the claims have been entered. However, the some of newly submitted claims 10-14 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 10-14 are directed towards the method of cleaning a hard surface, and not the nonwoven antimicrobial wipe as those set forth in claims 1-6, 8 and 9. Additionally, this method could be used to clean any surface and could be a woven wipe and still perform the same function as set forth in claims 10-14.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 10-14 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant's amendment to the specification, by replacing the abstract overcomes the objection made in paragraph 3 of the last office action.

In view of Applicant's response all other rejections are withdrawn at this time. A new art rejection and a double patenting rejection is set forth below.

The lds submitted on 10/18/05 appears to be to a different case, thus the Examienr has crossed out the references. Please verify.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent

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possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-6, 8 and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 10/762945. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: nonwoven with

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antimicrobial agents. This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6734157 issued to Radwanski et al.
- 6. Radwanski et al disclose making wipers that provide a controlled release antimicrobial agent. Said wipe may be a hard surface wipe (column 1-Field of Invention). The antimicrobial agent may be applied while the fibers are being made (column 3) or may be incorporated with the substrate or may be applied as a coating and adhered to the substrate layer (column 2). The antimicrobial agents that are employed can be combined with various polymers, binders or a combination thereof (column3). The substrate may be a fibrous nonwoven that is hydroentangled, which can be a composite absorbent fabric (abstract), thus meeting the limitations of being a laminate -claim 5. In column 3, the instant patent teaches that the antimicrobial agent can be a plethora of agents and includes that of quaternary type (see also columns 7-8). In column 5 towards the beginning the instant patent teaches that the antimicrobial agent that is applied to the substrate is activated or release upon contact with water.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti Singh whose telephone number is 571-272-1483. The examiner can normally be reached on M-T 9-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ms. Arti Singh Primary Examiner Art Unit 1771